

FIFTIETH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Tuesday, Nov. 14, 1871. }

Senate met pursuant to adjournment. President Flanagan, presiding. Roll called. No quorum present.

Absent—Senators Bowers, Cole, Dillard, Dohoney, Douglas, Ford, Parsons, Pickett, Pridgen, Ruby and Shannon.

Absent, excused—Senator Fountain.

The Sergeant-at-Arms having been dispatched for the absentees, Senators Dohoney, Douglas, Ford, Parsons, Pickett and Ruby appeared and answered to their names.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Gaines, the reading of the journal of yesterday was dispensed with.

The President submitted the following communication from the Comptroller of Public Accounts:

OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS, }
Austin, November 14, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: I beg through you to call the attention of the Senate to the enclosed account of the Superintendent Public Instruction, viz:

McDADE, Nov. 11, 1871.

Col. J. C. DE GRESS,

Superintendent of Public Instruction,

To A. G. MAIR, Dr.

For Jefferson.

25 slates for blackboards 3 feet 6 by 7 feet 6, $\frac{5}{8}$ thick,	
\$23 80.....	\$595 00
25 slates for blackboards 3 feet 6 by 7 feet 6, $\frac{3}{4}$ thick,	
\$25 00.....	625 00
25 slates for blackboards 3 feet by 6 feet, $\frac{1}{2}$ inch thick,	
\$16 30.....	407 50
25 slates for blackboards 3 feet by 6 feet, $\frac{5}{8}$ thick, \$17 20,	430 00
25 slates for blackboards 3 feet 6 by 7 feet 6, $\frac{3}{4}$ thick,	
\$25 00.....	625 00

\$2,682 50

Delivered at Galveston.

E. and O. E.

AUSTIN, Texas, Nov. 13, 1871.

Examined and approved.
(Signed.)

J. C. DE GRESS,
Superintendent of Public Instruction.

It will be seen that this account is dated at McDade, that it purports to be delivered at Galveston, that the account filed is not the original, that there is nothing on the face of the account to show where this bill was made, and therefore, no means to ascertain the real character of this operation.

In most of the colleges and academies of the United States wooden blackboards are used, costing but little money. The Legislature of the State should say if this reckless and wholesale squandering of the peoples' money is to be tolerated. At the very threshold of our public school system, a rigid economy should be inaugurated and demanded in every department.

I respectfully request such legislation as will protect this sacred fund.

I am, very respectfully, your obedient servant,
A. BLEDSOE, Comptroller.

Communication read, and on motion of Senator Ruby, referred to the Committee on Education.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Judiciary :

COMMITTEE ROOM, }
Austin, Nov. 14, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 523, to be entitled "An act to incorporate the Houston Turn Verein," after careful examination, instruct me to report the same back and recommend its passage, with the accompanying amendments.

Respectfully,

W. H. PARSONS, Chairman.

Amendments by Judiciary Committee to Senate bill No. 523 :

Amend by striking out section three of the bill.

Amend by striking out the figure "4," in section four, and inserting the figure "3," so as to read "section three."

Report read and laid over under the rules.

Report of Committee on Printing:

COMMITTEE ROOM, }
Austin, Nov. 14, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Printing, to whom was referred House bill No. 691, to be entitled "An act to repeal sections twelve, thirteen, fourteen, fifteen, sixteen and seventeen of an act entitled 'an act regulating public printing,' approved August 13, 1870," have had the same under consideration, and report the same back, recommending it do not pass.

W. A. SAYLOR, Acting Chairman.

Senator Pickett moved to suspend the rules to consider the report and bill, and upon that motion moved a call of the Senate. Call sustained.

Absent, not excused---Senators Bowers and Mills.

Senator Saylor moved to suspend the call. Lost.

Senators Bowers and Mills appeared and answered to their names. Call suspended.

The question being upon the motion to suspend the rules to consider substitute to House bill No. 691, the yeas and nays were called for, and the Senate refused to suspend the rules by the following vote, two-thirds not voting in the affirmative:

Yeas---Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pickett, Pridgen, Pyle, Rawson, Shannon, Swift, Tendick---16.

Nays---Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Ruby, Saylor---12.

On motion of Senator Bell the Second Assistant Doorkeeper was excused from attendance on account of sickness.

By leave, Senator Saylor introduced a bill (Senate bill No. 560) to be entitled "An act to incorporate the Santa Gertrude Mining and Manufacturing Company." Read first time.

By leave, Senator Mills introduced a bill (Senate bill No. 561) to be entitled "An act to amend an act entitled 'an act to reincorporate the city of Navasota, Grimes county.'" Read first time.

Senator Gaines moved to suspend the rules to read the bill a second time. Lost.

On motion of Senator Douglas the select committee to whom was referred the bill providing for a new apportionment of the State, was granted further time to make their report.

The President appointed Senator Pettit as an additional member of said committee.

On motion of Senator Bowers, the rules were suspended to take from file House bill No. 824, "An act to amend section two hundred

and twenty-eight of 'an act prescribing the mode of proceeding in district courts in matters of probate,' approved August 15, 1870." Read first time and passed to a second reading.

On motion of Senator Bowers, the rules were further suspended, and the bill read second time and passed to a third reading.

On motion of Senator Bell, the rules were further suspended, and House bill No. 824 read third time and passed.

The following House bills were taken from file, read first time and referred respectively as follows:

To the Committee on Roads, Bridges and Ferries: House bill No. 809, "An act to incorporate the Lone Star Ferry Company."

To the Committee on Education: House bill No. 833, "An act to incorporate the Round Mountain Educational Company of Blanco county."

To the Committee on Private Land Claims: House bill No. 802, "An act to validate an act entitled 'an act for the relief of the heirs of Henry Roberts, deceased,' approved November 10, 1866;" House bill No. 276, "An act for the relief of James Hays;" House bill No. 315, "An act for the relief of the heirs of Philip H. Coe;" House bill No. 333, "An act for the relief of Benjamin L. Stramler."

To the Committee on Judiciary: House bill No. 807, "An act to amend section twenty-seven of 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871;" House joint resolution No. 32, "Joint resolution proposing an amendment to the Constitution of this State, to be known as article thirteen thereof;" House bill No. 147, "An act supplementary to 'an act to establish a code of criminal procedure for the State of Texas,' approved August 26, 1856;" House bill No. 644, "An act authorizing justices of the peace to appoint attorneys to represent the State in criminal cases coming up for trial or investigation before them in absence of the district attorney."

To the Committee on State Affairs: House bill No. 840, "An act to incorporate the Casino Society, of Yorktown;" House bill No. 868, "An act to incorporate the Odd Fellows' Hall Association, of Bryan, Texas;" House bill No. 798, "An act to incorporate the Victoria Society, of Washington county;" House bill No. 843, "An act to incorporate the Gem Fire Company No. 2, of the city of Jefferson, Texas;" House bill No. 820, "An act to incorporate the Huntsville Union Benevolent Association;" House bill No. 842, "An act to incorporate the Calvert Hebrew Benevolent Association, of Calvert, Texas."

To the Committee on Finance: House bill No. 739, "An act to amend an act entitled 'an act to incorporate the Bank of Texas,

approved March 22, 1871;" House bill No. 791, "An act amendatory to an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871;" House bill No. 767, "An act for the relief of Colonel Thomas William Ward."

To the Committee on Internal Improvements: House bill No. 836, "An act to incorporate the Trinity River Navigation Company."

Under direction of the President, the Secretary returned to the House the following House bills, with information that the Senate had passed the same without amendment: House concurrent resolution No. 14, "In relation to the adjournment of the Twelfth Legislature;" House bill No. 748, "An act to incorporate the North Texas Collegiate Institute, at Bonham, Texas."

Message from the House by the Chief Clerk, Mr. Gallant, transmitting for the signature of the President enrolled House bills, to-wit: House bill No. 90, "An act to incorporate the Lake City Cotton and Wool Manufacturing Company;" House bill No. 213, "An act to incorporate the Benevolent Association of Austin;" House bill No. 862, "An act making an appropriation to supply the deficiencies existing for the fiscal years ending August 31, 1870 and 1871, for fees due district attorneys, district clerks, justices of the peace and sheriffs, in felony cases."

Enrolled House bills signed by the President in open session and returned to the House.

By leave, Senator Ruby submitted the following report of the Committee on Private Land Claims:

COMMITTEE ROOM,
Austin, Nov. 14, 1871.

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 801, to be entitled "An act for the relief of the heirs of Christopher C. Williams, deceased," have had in evidence the original bounty warrant, No. 9736, issued January 14, 1841, by B. T. Archer, then Secretary of War of the Republic of Texas, to C. C. Williams; also donation warrant No. 38, issued May 24, 1838, by Barnard Bee, to the same, and approved October 25, 1861, by W. S. Hotchkiss, Commissioner of Claims. The committee also had ample documentary evidence that C. C. Williams served in the army of the Republic of Texas in 1835, and was entitled to his bounty warrant. In consideration of the foregoing facts, your committee therefore instruct me to recommend that the bill do pass.

G. T. RUBY, Chairman.

Report read.

On motion of Senator Baker, the rules were suspended to consider the report and bill. Bill read second time and passed to a third reading.

Senator Baker moved to suspend the rules to read the bill a third reading. Lost.

On motion of Senator Gaines, the rules were suspended to take from file House bill No. 822, to be entitled "An act abolishing the office of supervisor of education in each judicial district of this State, and providing for the appointment of ten assistant superintendents of public instruction for this State." Read first time and referred to the Committee on Education.

On motion of Senator Parsons, the rules were suspended to take from file Senate bill No. 523, to be entitled "An act to incorporate the Houston Turn Verein." Read second time.

On motion of Senator Parsons, the amendments reported this morning by the Judiciary Committee were adopted.

Bill ordered engrossed and passed to a third reading as amended.

On motion of Senator Parsons, the rules were further suspended and Senate bill No. 523 read third time and passed.

On motion of Senator Bell, the rules were suspended to take from file House bill No. 876, "An act to authorize the County Court of Wharton county to levy a tax to build a jail at the county seat." Read first time and passed to a second reading.

On motion of Senator Bell, the rules were further suspended and the bill read second time and passed to a third reading.

On motion of Senator Bell, the rules were further suspended and House bill No. 876 read third time and passed.

The following Senate bills were taken from file and House amendments concurred in :

Senate bill No. 439, "An act to exempt certain persons from serving on juries." House amendments: Amend section one by inserting after the word "That," immediately following the enacting clause, the words "undertakers, druggists and." Amend section two by striking out all of said section.

Senate bill No. 487, "An act authorizing S. A. Cook to erect and keep a toll bridge across Mineral Bayou, in Grayson county." House amendment: Strike out the words "public crossing within four miles," and insert the words "toll bridge or ferry within two miles."

Senate bill No. 472, "An act to incorporate the Texas European steamship and land company." House amendment: Amend by striking out the last seven words.

The Senate refused to concur in House amendment to Senate bill No. 405.

Senate bill No. 405, "An act supplementary to the act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 28, 1856." House amendment: Amend by striking out all of section three.

11 o'CLOCK A. M.

The hour having arrived, the Senate proceeded to the consideration of the special order, substitute House bill No. 747, "An act authorizing a loan to meet deficiencies in the revenue of the State."

Senator Mills moved that the special order be postponed thirty minutes. Motion to postpone lost.

The question being, "Shall substitute House bill No. 747 pass to a third reading?"

Senator Pickett moved that substitute House bill No. 747 be indefinitely postponed.

Yeas and nays called for and motion to indefinitely postpone lost by the following vote:

Yeas—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pickett, Pridgen, Pyle, Shannon, Swift—14.

Nays—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—14.

Senator Bell offered the following amendment: Amend section four, in line five, by inserting after the word "direct" the words "*provided*, that said bonds shall not be sold at less than eighty-five cents on the dollar."

Senator Bell moved the adoption of the amendment.

Yeas and nays called for and the amendment adopted by the following vote:

Yeas—Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pickett, Pridgen, Pyle, Shannon, Swift—15.

Nays—Mr. President, Baker, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—13.

Senator Bowers offered the following amendment: Amend section four by adding after the word "State," in line twelve, the words, "not to exceed one per cent. on the net proceeds of sale."

Senator Mills moved a call of the Senate. Call sustained.

Absent, unexcused—Senator Pridgen.

Senator Pridgen appeared and answered to his name.

On motion of Senator Gaines the call was suspended.

The question being upon the adoption of the amendment offered by Senator Bowers, the yeas and nays were called for, and the amendment adopted by the following vote:

Yeas—Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pickett, Pyle, Shannon, Swift—14.

Nays—Mr. President, Baker, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—13.

The question then being, "Shall substitute House bill No. 747 pass to a third reading?" the yeas and nays were called for and the Senate refused to pass the bill to a third reading by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—14.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pickett, Pridgen, Pyle, Shannon, Swift—14.

On motion of Senator Saylor the rules were suspended to take from file House bill No. 749, "An act to incorporate the Bryan Real Estate, Building and Joint Stock Association, of Bryan, Texas." Read second time and passed to a third reading.

On motion of Senator Mills the rules were further suspended and House bill No. 749 read third time and passed.

Substitute Senate bill No. 316, "An act authorizing the judges of the district courts to remove justices of the peace for cause," was taken from file, it having been returned by the House with amendments.

Senator Ruby moved to reject the bill.

Senator Dohoney made the point of order that a motion to reject a bill could only be made on its first reading.

The President ruled the point of order well taken and the motion to reject out of order.

On motion of Senator Ruby substitute Senate bill No. 316 was indefinitely postponed.

By leave, Senator Hall submitted the following report of the Committee on Counties and County Boundaries:

COMMITTEE ROOM, }
Austin, Nov. 14, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: A majority of your Committee on Counties and County Boundaries, to whom was referred House bill No. 596, "An act to establish the county of Franklin," have had the same under careful consideration, and have instructed me to report the same back to the Senate, and recommend that it do pass.

Respectfully,

P. W. HALL, Chairman.

Report read and laid over under the rules.

BILLS ON THIRD READING.

House bill No. 573, "An act in relation to insurance and foreign insurance agencies." Read third time.

Senator Dohoney moved to lay the bill on the table.

Yeas and nays called for and motion to lay on the table carried by the following vote:

Yeas—Baker, Bowers, Broughton, Dillard, Dohoney, Douglas, Evans, Ford, Gaines, Hertzberg, Hillebrand, Latimer, Pettit, Pyle, Shannon, Swift—16.

Nays—Mr. President, Cole, Parsons, Pickett, Pridgen, Rawson, Ruby, Saylor, Tendick—9.

Senator Bowers moved to reconsider the vote just taken and to make the motion to reconsider the special order for to-morrow at 11 A. M. Carried.

Senator Saylor offered the following resolution:

Resolved, That until otherwise ordered, the Senate will meet at 3 o'clock P. M. for the consideration of bills, and that the roll of Senators shall be called, and that each Senator shall have the privilege, when his name is called, of calling up such bill as he may desire.

Senator Pickett offered the following substitute to the resolution, and moved its adoption:

Resolved, That the Senate will consider no special or private bills until all bills of a general nature before the Senate are disposed of.

Yeas and nays called for and motion to adopt lost by the following vote.

Yeas—Bowers, Broughton, Dillard, Dohoney, Evans, Hall, Pickett, Swift—8.

Nays—Mr. President, Baker, Bell, Cole, Douglas, Ford, Gaines, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick—20.

Question recurring on the adoption of the resolution offered by Senator Saylor, it was adopted.

Senator Gaines moved that the Senate stand adjourned until 3 o'clock P. M.

Yeas and nays called for and motion to adjourn lost by the following vote:

Yeas—Baker, Broughton, Dillard, Gaines, Latimer, Mills, Parsons, Rawson, Saylor—9.

Nays—Mr. President, Bell, Bowers, Cole, Dohoney, Douglas, Evans, Ford, Hall, Hertzberg, Hillebrand, Pettit, Pickett, Pridgen, Pyle, Ruby, Shannon, Swift, Tendick—19.

Senator Pridgen moved to reconsider the vote by which the

Senate laid House concurrent resolution No. 13, in relation to martial law, on the table.

Senator Saylor moved that the Senate adjourn to 3 o'clock P. M.

Yeas and nays called for, and motion to adjourn lost by the following vote :

Yeas—Baker, Bell, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Rawson, Ruby, Saylor, Tendick—11.

Nays—Mr. President, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Ford, Hall, Latimer, Pettit, Pickett, Pridgen, Pyle, Shannon, Swift—17.

The question recurred on the motion made by Senator Pridgen to reconsider the vote by which House concurrent resolution No. 13 was laid on the table.

Senator Gaines moved to lay the motion to reconsider on the table.

Yeas and nays called for, and the motion to lay on the table lost by the following vote :

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—14.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pickett, Pridgen, Pyle, Shannon, Swift—14.

Senator Pyle moved that the Senate stand adjourned to 3 o'clock P. M.

Yeas and nays called for and the motion carried by the following vote :

Yeas—Mr. President, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Hillebrand, Latimer, Parsons, Pickett, Pridgen, Pyle, Rawson, Shannon, Swift, Tendick—19.

Nays—Baker, Bell, Ford, Gaines, Hertzberg, Mills, Pettit, Ruby, Saylor—9.

So the Senate, at 12:10 o'clock P. M., adjourned to 3 o'clock P. M.

AFTERNOON SESSION.

3 o'clock P. M.

Senate met pursuant to adjournment. President Flanagan, presiding. Roll called. Quorum present.

Absent—Senators Broughton, Dillard, Mills, Pridgen, Saylor, Shannon and Tendick.

Absent, excused—Senator Fountain.

S J—19

On motion of Senator Baker, the rules were suspended to take from file House bill No. 801, "An act for the relief of the heirs of Christopher C. Williams, deceased." Read second time and passed to a third reading.

On motion of Senator Baker, the rules were further suspended, and House bill No. 801 read third time and passed by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Cole, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Parsons, Pettit, Pyle, Rawson, Ruby—19.

Nays—Pickett—1.

On motion of Senator Bell the rules were suspended to take from file House bill No. 639, "An act supplementary to the different acts providing for the authentication and registry of deeds and instruments of writing, and providing for making certified copies of deeds and other instruments of writing evidence in the various courts of this State." Read second time.

Senator Pickett moved to recommit the bill to the Judiciary Committee.

Yeas and nays called for, and motion to recommit lost by the following vote:

Yeas—Bell, Bowers, Cole, Evans, Hall, Latimer, Pickett, Swift—8.

Nays—Mr. President, Baker, Dohoney, Douglas, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pyle, Rawson, Ruby—14.

Senator Pickett moved to make the bill the special order for tomorrow at 3 o'clock P. M. Lost.

Senator Ruby moved to lay the bill on the table. Lost.

Senator Gaines moved to indefinitely postpone the bill. Lost.

Senator Ruby moved that the bill pass to a third reading. Lost.

On motion of Senator Bowers the rules were suspended to take from file House bill No. 773, "An act authorizing the transcription of the surveyor's records of Comanche county." Read second time and passed to a third reading.

On motion of Senator Bowers the rules were further suspended and House bill No. 773 was read third time and passed.

On motion of Senator Cole the rules were suspended to take from file House bill No. 767, "An act for the relief of Col. Thomas William Ward." Read second time and passed to a third reading.

On motion of Senator Pyle the rules were further suspended and House bill No. 667 read third time.

Senator Mills moved the passage of the bill.

Yeas and nays called for and House bill No. 667 lost by the fol-

lowing vote, two-thirds of the members not voting in the affirmative:

Yeas—Mr. President, Baker, Bowers, Cole, Dillard, Douglas, Latimer, Mills, Pickett, Pridgen, Pyle, Ruby, Shannon, Swift—14.

Nays—Bell, Dohoney, Evans, Ford, Gaines, Hall, Hertzberg, Hillebrand, Parsons, Pettit, Rawson—11.

A special message from the Governor was received as follows:

[Senator Bell in the chair.]

GOVERNOR'S OFFICE,
Austin, Nov. 14, 1871. }

To the Honorable Senate and House of Representatives of Texas:

GENTLEMEN: I think it necessary to call your attention to the condition of the laws relating to the levy of taxes, in so far as the same apply to the powers of the county or police courts to levy taxes and to the amount of taxes authorized to be levied by those courts.

The law approved April 22 last, entitled "An act to give effect to the several provisions of the Constitution concerning taxes," in section four gives those courts authority to levy the amount of twenty-five cents on the one hundred dollars "for the support of the several county organizations thereof, and for such other public purposes as the courts thereof may order, and in section five gives them authority to levy an equal amount for public roads and bridges." It was doubtless thought by members who voted for those provisions, that the sums to be thereby realized were ample for all county purposes, and I believe they are sufficient, and in fact more than sufficient, if properly and economically administered. But it will be noticed that said act in the repealing section (22) reserves all "special county taxes, and other special taxes," which are accordingly not repealed thereby. I do not know whether such was the intent of the Legislature, but in many counties this provision has been construed as maintaining in force all previous laws authorizing special taxes. Among *general* laws of this nature, I will call to your mind that of July 21, 1870, which provides a special tax of fifty cents on the hundred dollars to pay off "county indebtedness;" that of August 4, 1870, which provides a special tax of twelve and a-half cents on the hundred dollars "to improve roads and bridges," and the act of August 5, 1870, which provides a special tax of ten cents on the hundred dollars "for the repair and completion of public buildings." These "special taxes," amounting together to seventy-two and a-half cents on the hundred dollars, are, in very many of the counties, added by the county courts to the tax of fifty cents on the one hundred dollars, authorized by said fourth and fifth sections

of the act of twenty-second April, and a total of one dollar and twenty-two cents and a half, thus exacted from the tax-payer for various county purposes. Further than this, it must be remembered that there are *special* acts applicacable *only to individual counties*, authorizing special taxes (sometimes of one or two per cent.) for building court houses and jails, and in many other instances the county courts take advantage of the power given in section thirty-three of the "Act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870," and impose an additional tax equal to the State tax, or fifty cents more on the one hundred dollars.

This matter calls loudly for action on the part of the Legislature. The amount authorized under one pretense or another, to be levied by the county courts, is greater than the whole taxes for support of the State Government and the public school system. It is greatly more than is necessary, and it is in many instances squandered shamefully. To illustrate, I have had several cases reported to me where the justices of the peace, sitting as the county court, have voted money of the county to pay the expense of making out their assessment rolls, for which service they receive a compensation from the State. Other instances of misappropriation are reported, such as the justices voting themselves office rent, fuel and lights. I am of the opinion that twenty-five cents on the one hundred dollars, with the right which the counties have to levy an occupation tax, is sufficient for all ordinary or extraordinary county purposes, such as paying outstanding indebtedness, building or repairing court houses and jails, and all other purposes connected with the support of the county organization. This tax is greater than was ever allowed previous to 1869, when the military authorized a tax of fifty cents on the one hundred dollars for special purposes, and is more than an economical administration of the county funds will require. For roads and bridges ten cents on the one hundred dollars is sufficient, but the expenditure of even this amount ought to be guarded more effectually than it is, as the law now stands. The proceeds of the large tax now authorized for this purpose are made way with by many of the county courts, and people see no improvement in their roads and bridges.

Very respectfully,

EDMUND J. DAVIS, Governor.

Message read, and on motion of Senator Ruby referred to the Committee on Finance.

On motion of Senator Mills the vote just taken was reconsidered; and on further motion, the message was referred to a select committee of three.

The Chair appointed as such committee Senators Pickett, Mills and Ruby.

On motion of Senator Dillard, the rules were suspended to take from file House bill No. 769, to be entitled "An act to establish a ferry across the Neches river at the Bodenhamer crossing, county of Houston." Read second time and passed to a third reading.

On motion of Senator Dillard, the rules were further suspended, and House bill No. 769 read third time and passed.

On motion of Senator Douglas, the rules were suspended to take from file Senate bill No. 516, to be entitled "An act to incorporate Charmwood Institute." Read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Douglas, the rules were further suspended, and Senate bill No. 516 read the third time and passed.

Senator Rawson asked leave to withdraw Senate bill No. 450, to be entitled "An act to incorporate the Marshal Salamander Fire Company No. 1, of the city of Marshall, of Harrison county, Texas," from the hands of the Committee on Internal Improvements.

There being no objection, leave was granted.

Senator Evans moved that the Senate stand adjourned to 10:30 A. M. to-morrow. Motion lost.

On motion of Senator Bowers the Senate at 4:20 P. M. adjourned to 10 A. M. to-morrow.

FIFTY-FIRST DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, Wednesday, Nov. 15, 1871. }

Senate met pursuant to adjournment. President Flanagan, presiding. Roll called. Quorum present.

Absent—Senators Bowers, Broughton, Mills, Parsons and Pettit.

Absent, excused—Senator Fountain.

Prayer by the Rev. Mr. Dodge.

Journal of yesterday read and adopted.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on Internal Improvements: